



Antigua and Barbuda

Country Reports on Human Rights Practices - [2001](#)

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Antigua and Barbuda is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a bicameral legislative assembly compose the Government. A Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. Prime Minister Lester B. Bird's Antigua Labour Party (ALP) has controlled the Government and Parliament since 1976. In the 1999 elections, which observers described as free but not fair, the ALP retained power by winning 12 of 17 parliamentary seats. The Governor General appoints the 15 senators in proportion to the parties' representation in Parliament and with the advice of the Prime Minister and the leader of the opposition. The judiciary is generally independent.

Security forces consist of a police force and the small Antigua and Barbuda Defense Force. The police are organized, trained, and supervised according to British law enforcement practices. There were reports of occasional instances of excessive use of force by the police and prison guards.

The country has a population of approximately 71,500 and a mixed economy with a strong private sector. Tourism is the most important source of foreign exchange earnings, but it declined during the year, largely because the country has been struck by seven hurricanes since 1995, which severely damaged many of the country's hotels. The country is burdened by a large and growing external debt, which remains a serious economic problem. At the end of 2000, the external debt was estimated at \$440.9 million, compared with \$417.7 million at the end of the previous year. The pace of economic expansion slowed to 3.5 percent in 2000 from 5.2 percent in 1999. The unemployment rate was 8 percent as of September. Per capita gross domestic product was about \$9,720 in 2000.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. There were reports of police brutality against demonstrators. Prison conditions were poor, and there were allegations of abuse of prison inmates. Opposition parties complained that they received limited coverage or opportunity to express their views on the government-controlled electronic media; however, in April an independent radio station began to broadcast. Societal discrimination and violence against women continued to be problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the authorities generally respected these prohibitions in practice;

however, there were occasional reports of police brutality and threatening behavior and allegations of abuse by prison guards.

In July there were complaints that police used batons and tear gas to break a blockade in Old Village, injuring 15 persons (see Section 2.b.).

Prison conditions are poor. Conditions at the lone, 18th century prison considerably worsened when a fire destroyed most of the facility in 1999. Prisoners allegedly started the fire to protest random searches by prison guards. Conditions at the prison have remained unsettled since the fire. All prisoners are back in the compound, but repairs and renovations still were not completed at year's end. The prison remained overcrowded, with approximately 150 prisoners. Pretrial detainees are held together with convicted prisoners. Prison conditions are unsanitary and inadequate, particularly in regard to food, recreation, and rehabilitation. The Government established a Rehabilitation Center in 2000 for prisoners found guilty of committing minor crimes; it held 24 male prisoners at year's end.

The authorities established a local review board to hear prisoner complaints and to monitor progress at the prison, but government officials and concerned private individuals agreed that problems are likely to continue until funds can be found to build a new prison outside the city precincts.

The women's prison facility is separate and has not experienced the problems encountered in the men's prison. There is no separate facility for juveniles, who are housed with adult inmates.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally respects these prohibitions in practice.

Criminal defendants have the right to a judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. However, members of the opposition United Progressive Party (UPP) insisted that there have been instances where this has been violated, particularly on Thursdays or Fridays. They claimed that several persons were detained during the year without charge for more than 48 hours and that increasingly, arresting and detention officers were unavailable to arrange bail or to expedite the process of releasing detainees.

The law prohibits forced exile, and the Government does not use it in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The Constitution designates the Privy Council in London as the final court of appeal, which always is employed in the case of death sentences. There are no military or political courts.

The Constitution provides that criminal defendants should receive a fair, open, and public trial. In capital cases only, the Government provides legal assistance at public expense to persons without the means to retain a private attorney. Courts can reach verdicts quickly, with some cases coming to conclusion in a matter of days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and government authorities generally respect these prohibitions in practice. Violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, of the press, and other forms of communication, and the authorities generally respect these provisions in practice. Privately owned print media, including daily and weekly newspapers, are active and offer a range of opinion, often publishing vigorous criticism of the Government. However, the Government has restricted opposition parties' access to electronic media, effectively denying them equal coverage.

The Government owns one of the two general interest radio stations and the single television station. A religious station broadcasts without impediment. One of the Prime Minister's brothers owns the second radio station, and another brother is the principal owner of the sole cable television company. The government-controlled media report regularly on the activities of the Government and the ruling party but limit their coverage of and access by opposition parties. In April the country's first independent broadcast media, the Observer radio station, became operational. This radio station, operated by the owners of the Observer newspaper, is accessible to political and religious groups of all persuasions, and is utilized occasionally by the Government. The opposition accused the Government of trying to marginalize the Observer radio station by refusing to grant it duty free concessions; ZDK Radio, which is owned by members of the Prime Minister's family, receives such concessions. The opposition UPP, which publishes the Crusader newspaper, also applied for and received a radio license during the year.

The Government continues to restrict the opposition's access to the media, and there continue to be allegations of censorship as the result of subtle coercive pressure by influential persons. The 1999 report of the Commonwealth observer group that monitored the general elections noted that the governing ALP party received the greatest share of political coverage by the government-controlled electronic media. The report also indicated that fair and equal access to publicly owned electronic media did not appear to be available to opposition party figures.

At year's end, the police still had not issued an official report on their investigations into three possible arson attacks in 1998; no report is expected. An arsonist destroyed an opposition newspaper; a fire of suspicious origin badly damaged the Ministry of Information; and the UPP's outdoor convention site mysteriously was set on fire.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly. The police generally issue the required permits for public meetings but sometimes deny them in order to avert violent confrontations. While the authorities had placed some restrictions on demonstrations in the past, the opposition held numerous rallies and public meetings to promote its platform during the year. Police intervened in several demonstrations during the year.

In July residents of Bendals, a community bordered on three sides by quarries, engaged in demonstrations protesting threats to public health stemming from the quarries' operations. Residents cited increased numbers of persons with asthma and a serious injury to a young girl when a rock blasted from the quarry fell into a schoolyard. Police intervention led to the arrest and detention of several persons protesting continued operation of the quarry, on charges including obstruction, resisting arrest, and assault and battery. The charges against the protesters remained in the courts at year's end.

In July residents of the Old Road Village community barricaded streets in an effort to stop the construction of 11 beachfront units at the Carlisle Bay Resort. Approximately 100 citizens of the community blocked the streets and stoned trucks in the attempt to stop construction. The protesters alleged that the development would destroy the mangrove swamps, which are of environmental importance to the local fishing community, and lead to beach erosion and flooding. The police broke the blockade with tear gas and arrested three of the demonstrators, charging them with damage to property. It was alleged that the police also attacked several demonstrators with batons and injured 15 persons (see Section 1.c.). In September the Government reached a settlement with the protesters, which required the hotel owner to take down 7 of the 11 foundations, leaving 4 in place. However, residents continued to protest, insisting that the four remaining foundations had to be removed. In October the four structures were set on fire by unknown individuals, leading to police intervention and several arrests.

The Constitution provides for freedom of association, and the Government generally respects this right in

practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Members of the Rastafarian community have complained that law enforcement officials unfairly target them. However, it is not clear whether such complaints reflect discrimination on the basis of religious belief by the authorities or simply enforcement of the laws against marijuana, which is used as part of Rastafarian religious practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

The Government assesses all claims by refugees under the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a multiparty political system accommodating a wide spectrum of political viewpoints. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years; the last general elections were held in 1999. The law obligates the Government to hold voter registration during a fixed period (of only 1 week) each year, and parties conduct their own registration drives free of government interference.

Except for a period in opposition from 1971-76, the Antigua Labour Party has held power continuously since 1951. The opposition has charged that the ALP's longstanding monopoly on patronage and its influence over access to economic opportunities make it extremely difficult for opposition parties to attract membership and financial support. In 1992 public concern over corruption in government led to the merger of three opposition political parties into the UPP.

In the 1999 elections, the ALP retained power by winning 12 of 17 parliamentary seats, 2 more than it had won in the previous elections in 1994. The Governor General appoints the 15 senators in proportion to the parties' representation in Parliament and with the advice of the Prime Minister and the leader of the opposition. The Commonwealth observer group that monitored the elections reported irregularities in the electoral process and assessed the elections as free but not fair. The report indicated that the voters' register stood at 52,348 voters, of a total population of approximately 69,000 persons. Since 40 percent of the population were estimated to be below voting age, the voting rolls appeared to be inflated. According to the observer group, the voter registration period, which is limited to only a week every July, appeared too restrictive and potentially disfranchises citizens, such as persons who would reach the voting age of 18 after July but before the elections. The observer group also recommended the establishment of an independent electoral commission to improve the voter registration process. The July 1 to 7 registration period was postponed to allow for the implementation of an amended act that provides for the year-round registration of electors and the introduction of an independent electoral commission to manage, oversee, and control the entire electoral process. Parliament approved the amendments, but the new provisions had not yet been implemented at year's end.

There are no impediments to participation by women in government and politics; however, the percentage of women in government and politics does not correspond to their percentage of the population. No women have been elected to the House of Representatives. Two women are senators, which are appointed positions. In May the Prime Minister appointed a woman to be Attorney General; 8 of the 14 permanent secretaries (the top civil servant positions in ministries) are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no governmental restrictions on the formation of local human rights organizations. The Antigua and Barbuda Human Rights Association has been active for 2 years. It represents individuals and groups who claim that their rights have been violated.

The Government's Ombudsman has reviewed an increasing number of cases annually. The Ombudsman is

chosen by both houses of Parliament upon recommendation of the Prime Minister; the term is unlimited. The office of the Ombudsman operates independently of the judiciary and the Director of Public Prosecutions (DPP); however, recommendations for trial must be approved by the DPP. The Ombudsman, Hayden Thomas, reported that 90 percent of the cases he recommended are prosecuted. The Ombudsman's office has the authority to pursue a recommendation for trial through the ministry involved, directly with the Prime Minister, and ultimately may take the matter to Parliament. The Ombudsman makes recommendations to the Government based on investigations into citizens' complaints; however, his recommendations often are not implemented to the satisfaction of alleged victims of government abuse and injustice.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally respected these provisions in practice; however, violence against women is a problem.

Women

Violence against women is treated as a matter of public concern, and there are nongovernmental social welfare groups focused on the problem. Women in many cases are reluctant to testify against their abusers. The law prohibits and provides penalties for domestic violence, as well as rape and other sexual offenses. Police generally refrain from intervening in cases of domestic violence, and some women have charged credibly that the courts are lenient in such cases. Organizations such as the Government's Directorate of Women's Affairs seek to increase women's awareness of their rights under the law in cases of domestic violence. There are a number of active nongovernmental organizations that address issues affecting women.

Prostitution is prohibited, but it is a problem.

Sexual harassment is illegal, but it is rarely prosecuted.

While the role of women in society is not restricted legally, economic conditions tend to limit women to home and family, particularly in rural areas, although some women work as domestics, in agriculture, or in the large tourism sector. Although the Government pledged to provide better family planning services, educational opportunities, and job training, it has been slow to implement new programs. The Directorate of Women's Affairs exists to help women advance in government and the professions, but there has been little progress.

The Professional Organization for Women of Antigua (POWA) is a networking and resource group for female executives. It held a number of educational seminars for girls and an interactive career exhibition during the year.

Children

While the Government repeatedly has expressed its commitment to children's rights, its efforts to protect those rights in practice have been limited. The Government provides education for children through the age of 16; it is free, universal, and compulsory. Children have access to health care and other public services.

Child abuse remains a problem. In August the police uncovered a child pornography and prostitution ring, and high-ranking members of society reportedly were implicated. Newspaper and POWA reports indicated that fines for those arrested were extremely low, and that all arrested offenders, except for a Jamaican citizen, were released on bail. Several alleged offenders reportedly were allowed to leave the country permanently, while prosecution generally appeared to be sporadic and half-hearted. The opposition UPP called for a full and thorough investigation, but observers claimed that there was an effort to cover up the incidents, rather than to prosecute in accordance with existing legislation for the protection of minors.

Despite pledges to do so, the Government has not established a committee on children's rights or strengthened monitoring and implementation of the U.N. Convention on the Rights of the Child. UNICEF helped support a study of the needs of children and families, and its recommendations are being used to develop a National Plan of Action on Child Survival, Development, and Protection.

Persons with Disabilities

No specific laws mandate accessibility for persons with disabilities, but constitutional provisions prohibit discrimination against the physically disabled in employment and education. There is no evidence of widespread discrimination against persons with disabilities, although the Government does not enforce the

constitutional antidiscrimination provisions.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to form labor unions. Approximately 75 percent of workers belong to a union, and the hotel industry is heavily unionized. There are two major trade unions: The Antigua Trades and Labour Union (ATLU) and the Antigua Workers' Union (AWU). The ATLU is associated with the ruling ALP, while the larger and more active AWU is allied rather loosely with the opposition.

The Labor Code recognizes the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, and petroleum workers, in addition to health and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, there can be no strike. Because of the delays associated with this process, unions often resolve labor disputes before a strike is called. There were no significant strikes during the year.

Unions are free to affiliate with international labor organizations, and they do so in practice.

b. The Right to Organize and Bargain Collectively

Labor organizations are free to organize and bargain collectively. The law prohibits antiunion discrimination, and there were no reports that it occurred. Employers found guilty of antiunion discrimination are not required to rehire employees fired for union activities but must pay full severance pay and full wages lost by the employee from the time of firing until the determination of employer fault. There are no areas of the country where union organization or collective bargaining is discouraged or impeded.

There are no export processing zones, but there are free trade zones that facilitate services such as international banking and gambling. The Labor Code applies equally to workers in these zones as elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and forced labor, including that by children, and they do not exist in practice.

d. Status of Child Labor Practices and Minimum Age for Employment

The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforces this law. The Labor Commissioner's Office also has an Inspectorate that investigates exploitative child labor matters. There were no reports of minimum age employment violations during the year. The Government has not ratified the International Labor Organization's Convention 182 on the elimination of the worst forms of child labor. The law prohibits forced or bonded child labor, and it does not exist in practice (see Section 6.c.).

e. Acceptable Conditions of Work

Minimum wage rates, which were established by law for various work categories in 1981, have never been revised and generally are viewed as irrelevant to existing economic conditions. The Ministry of Labor periodically surveys average wages paid in various sectors and issues these as guidelines to prevailing market wages. The guidelines are not compulsory. The Ministry provides them to reflect increasing wage expectations, and to offset not having yet updated the 1981 minimum wage rates. In 1999 the guidelines indicated that employers pay an average salary of \$93.63 (EC\$250) per week, although the range of actual salaries varies widely, depending on skill level and experience. The existing published minimum wages for a variety of jobs would not provide a decent standard of living for a worker and family, and in practice the great majority of workers earn substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, 6-day workweek, but in practice the standard workweek is 40 hours in 5 days. The law stipulates that workers receive a minimum of 12 days of annual leave. The law requires employers to provide maternity leave with 40 percent of wages for 6 weeks of

leave, while social service programs provide the remaining 60 percent of wages. The employer's obligation ends after the first 6 weeks, but social services continue to pay 60 percent of wages for an additional 7 weeks, for a total of 13 weeks.

The Government has not yet developed occupational health and safety laws or regulations, but a section of the Labor Code includes some provisions regarding occupational safety and health. Plans to incorporate comprehensive legislation on safety, health, and the welfare of workers into the existing Labor Code have not been implemented. Although not specifically provided for by law, workers may leave a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons. There were no reports that persons were trafficked to, from, or within the country during the year.